



February 18, 2005

HOUSE BILL No. 1607

DIGEST OF HB 1607 (Updated February 16, 2005 7:26 pm - DI 14)

Citations Affected: IC 16-34; noncode.

Synopsis: Licensure of abortion facilities. Requires the state department of health to establish procedures for the inspection and licensure of a medical facility that performs: (1) more than four first trimester abortions in a calendar month; or (2) at least one second trimester abortion. Makes it a Class A misdemeanor to operate or advertise the operation of an unlicensed medical facility that provides abortions. Provides that a fetus that is at least 20 weeks of age is presumed to have attained viability.

Effective: Upon passage; July 1, 2005.

Noe, Stutzman, Thompson, Bischoff

January 25, 2005, read first time and referred to Committee on Public Policy and Veterans Affairs.
February 17, 2005, amended, reported — Do Pass.

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HB 1607—LS 7360/DI 104+



February 18, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1607

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-34-1-0.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 0.5. (a) For purposes of this article, a fetus that is at**
4 **least twenty (20) weeks of age (from the first day of the mother's**
5 **most recent menstrual cycle) is presumed to have attained viability.**

6 **(b) If a fetus is presumed to have attained viability under**
7 **subsection (a), no additional medical evaluation is required to**
8 **establish the fetus's viability.**

9 SECTION 2. IC 16-34-3 IS ADDED TO THE INDIANA CODE AS
10 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2005]:

12 **Chapter 3. Inspection and Licensing of Medical Facilities That**
13 **Perform Abortions**

14 **Sec. 1. The state department shall license and annually inspect**
15 **a medical facility that performs:**

16 **(1) more than four (4) first trimester abortions in a calendar**
17 **month; or**

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(2) at least one (1) second trimester abortion.

Sec. 2. (a) To operate a medical facility described in section 1 of this chapter, a person shall first obtain a license for the facility from the state department.

(b) A person who operates a medical facility described in section 1 of this chapter shall renew the license obtained under this section on an annual basis at the time and in the manner prescribed by the state department.

Sec. 3. The state department shall adopt rules under IC 4-22-2 to do the following concerning a medical facility licensed under this chapter:

(1) Establish minimum license qualifications.

(2) Establish the following requirements:

(A) Sanitation standards.

(B) Staff qualifications.

(C) Necessary emergency equipment.

(D) Procedures to provide emergency care.

(E) Quality assurance standards.

(F) Infection control.

(3) Prescribe the operating policies, supervision, and maintenance of medical records.

(4) Establish procedures for the issuance, renewal, denial, and revocation of licenses under this chapter. The rules adopted under this subsection must address the following:

(A) The form and content of the license.

(B) The collection of an annual license fee.

(5) Prescribe the procedures and standards for inspections.

Sec. 4. A person who knowingly or intentionally:

(1) operates a medical facility described in section 1 of this chapter that is not licensed under this chapter; or

(2) advertises the operation of a medical facility described in section 1 of this chapter that is not licensed under this chapter;

commits a Class A misdemeanor.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "medical facility" refers to a facility that is required to be licensed under IC 16-34-3-2, as added by this act.

(b) The state department of health shall adopt rules under IC 4-22-2 that establish a procedure to license medical facilities not later than December 31, 2005.

(c) Notwithstanding IC 16-34-3, as added by this act, a medical facility described in IC 16-34-3-1, as added by this act, that is

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1 operating before July 1, 2005, shall obtain the license required
2 under IC 16-34-3-2, as added by this act, from the state department
3 of health not later than March 1, 2006.

4 (d) This SECTION expires December 31, 2006.

5 SECTION 4. [EFFECTIVE JULY 1, 2005] IC 16-34-1-0.5, as
6 added by this act, applies only to offenses committed after June 30,
7 2005.

8 SECTION 5. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1607, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-34-1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.5. (a) For purposes of this article, a fetus that is at least twenty (20) weeks of age (from the first day of the mother's most recent menstrual cycle) is presumed to have attained viability.**

(b) If a fetus is presumed to have attained viability under subsection (a), no additional medical evaluation is required to establish the fetus's viability."

Page 2, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JULY 1, 2005] **IC 16-34-1-0.5, as added by this act, applies only to offenses committed after June 30, 2005."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1607 as introduced.)

ALDERMAN, Chair

Committee Vote: yeas 9, nays 3.

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